

Protective Order Committee
Judicial Conference of Indiana

Minutes
March 25, 2005

The Protective Order Committee met at the Indiana Judicial Center on Friday, March 25, 2005 from 12:00 noon – 3:00 p.m.

1. Members present. Tammy Baitz, John W. Forcum, Linda Grass, John W. Hammel, Stephen M. Jessup; J. Douglas Knight, Christina J. Miller, Jerry L. Ummel, and Thomas H. Busch, Chair
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Minutes. The minutes for January 28, 2005 were approved.
4. Admin. Rule 9; No Contact Orders.
 - a. Magistrate Ummel distributed a file folder of materials in compliance with Admin. Rule 9. He noted a copy of the redacted Ex Parte Order was included for viewing by the public. Committee members drafted a procedure for protection orders to comply with Admin. Rule 9. See Attachment No. 1. Magis. Ummel agreed to revise the drafted procedure to include the petition, confidential, termination, and other forms. Committee members agreed to discuss the placement of the address on the petition form at a later time.
 - b. Members of the committee discussed multiple protected parties for no contact orders. Judge Forcum reported he talked with IDACS operators who said they may place up to eight (8) protected persons in their records, or more if needed.
 - c. Judge Forcum moved to place birth year on the on a supplement to the No Contact Order coversheet in order to comply with Administrative Rule 9. Judge Hammel seconded the motion. The motion passed 8-0.
 - d. Judge Forcum moved to place birth year only, instead of birth date, on the cover sheet for all protection orders and no contact orders in order to comply with Administrative Rule 9. Judge Hammel seconded the motion. The motion was passed.
 - e. Judge Forcum moved to adopt the supplements for use with multiple protected parties proposed by Marion County at the January meeting for No Contact Orders for the cover sheet and confidential forms. Judge Hammel seconded the motion. The motion was passed 7-1. Committee members understood the caption and title of the forms would be changed, and the forms numbered, to match the format of existing forms.
5. Recent legislation. Jeff Bercovitz reported the legislation prohibiting charging fees for service of foreign protection orders was placed in HB 1113. All other changes did not pass.
6. Next meeting.
 - a. Committee members agreed to review best practice drafts in the following areas:

Sample notices, cards and pamphlets	Ques. 7 & 8b.	Judge Knight
Issuance of Ex Parte Order, then transfer	Ques. 13 & 15	Judge Busch
Procedures for weapons, visitation, possession of residence and personal property	Ques. 16	Judge Hammel
Delivery of Protection Order to Sheriff for service	Ques. 17 & 18	Magis. Lybrook
General comments on Protection Orders	Ques. 30, 31 & 32	Judge G. Brown

- b. Members of the committee agreed to review the question submitted by the Pike Township Small Claims Court.
- c. Committee members agreed to review Judge Reichard's comments on changes to the cover sheet and protection orders concerning Brady laws.
- d. Members of the committee agreed by consensus to modify warnings at the end of the Ex Parte Protection Order form to include a notice to the Respondent a hearing must be requested within 30 days of service when the order is issued to contest it.
- e. Committee members agreed to begin their meeting at 12:45 p.m. on Friday, April 22, 2005 because of the Judicial College sessions that day; and meet on Friday, June 24, 2005; July 22, 2005; and August 26, 2005; all from 12:00 noon – 3:30 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

1. Administrative Rule 9 applies to Protection Order cases as it applies to all other cases that may contain confidential information. The court should maintain a confidential file in protection order cases in the same manner as confidential information is kept in other cases. Specific requirements for Protection Orders are provided in Admin. Rule 9 (G) (1) (b) (xiii) and Admin. Rule 9 (G) (1) (e) (i).
2. The Confidential Form, PO-104, must continue to be kept separate from all other parts of the file. This form should be kept at a higher level of confidentiality because it contains information not available to the respondent. Ind. Code § 5-2-9-6 indicates the Clerk must maintain a confidential file to secure any confidential information about a protected person designated on the Confidential Form.
3. Proof of service must be kept in a format that can be used later in a subsequent criminal case. Either of the following procedures is acceptable.
 - a. Some counties create a complete order and a redacted order. The redacted order is maintained in the public file, and the unredacted order with endorsed proof of service is kept confidential according to the county's Admin. Rule 9 procedures.
 - b. Other counties have all confidential information on a green sheet attached to a redacted Protection Order. Both the redacted order with the green sheet attached with proof of service is kept confidential according to the county's Admin. Rule 9 procedures. Only the redacted order is kept in the public portion of the file.
4. Other Admin. Rule 9 issues for other forms. – Mag. Ummel